IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

CRL.A.No. 566 of 2001()

CC.1040/1999 of JUDL.MAGISTRATE OF FIRST CLASS-I, HOSDRUG
.....

APPELLANT: PETITIONER

M.CHANDRAN, AGED 30 YEARS,
S/O.P.APPU, BELOOR VILLAGE,
HOSDRUG TALUK, PULLUR P.O.,
KASARGOD DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.BEPIN VIJAYAN

RESPONDENTS: RESPONDENTS
----

1. **K.A.ABDULLA, AGED 55 YEARS**
CITIZEN NAGAR, CHENKALA P.O.,
CHENKALA VILLAGE. KASARGOD DISTRICT.

2. **STATE OF KERALA, REP.BY**
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.SANTHOSHKUMAR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.566 OF 2001-A

DATED THIS THE 7TH AUUST 2007

JUDGMENT

The appellant is the complainant in 1040/1999 in the file of the Judicial Magistrate of First Class-I Hosdurg with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. The petitioner has sought for an opportunity to further proceed with the matter.

In the circumstances and considering the nature of the the proceedings involved, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 7-9-2007. The court below shall issue fresh summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

ks.

K.R. UDAYABHANU,J.

==========

CRL.A.NO.566 of 2001

JUDGMENT

7-8-2007

==========